

COUNTY OF YORK

MEMORANDUM

DATE: May 13, 2004 (PC Mtg. 6/1/04)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. ZT-87-04, York County Board of Supervisors

ISSUE

This application, sponsored by the Board at its April 20 meeting, seeks to amend Section 24.1-403(g) of the York County Zoning Ordinance to allow "single-family attached" dwelling units to be eligible for the special building addition and accessory structure setback provisions currently limited to "townhouse" units. The proposed amendments would authorize single-story building additions to any single-family attached home whose rear lot line abuts a common open space area of at least 20 feet in width. These amendments also would provide allowances for detached storage sheds of up to 60 square feet in conjunction with single-family attached homes.

CONSIDERATIONS/CONCLUSIONS

1. The minimum rear yard building setback for single-family attached dwelling units (duplexes, townhouses, quadruplexes, etc.) is fifteen feet (15'). In 1992 the Board amended the Zoning Ordinance to permit a rear yard setback of less than the required fifteen feet (15') to increase opportunities for additions to townhouse units and for the location of accessory structures in rear yard areas. The amendments provided an opportunity for construction of permanent single-story additions ("Florida rooms," awnings, etc.) on townhouse lots where the rear lot line abuts a common open space area of at least twenty feet (20') in width or where the rear lot line faces the side lot line of another unit. Such additions may not extend more than ten feet (10') from the main portion of the townhouse, effectively reducing the rear yard setback to five feet (5'). These amendments also provided allowances for detached storage sheds of up to 60 square feet. In recommending approval of these amendments in 1992, staff noted that there would be at least thirty feet (30') of separation (5' + 20' + 5') between any such building addition and the rear of another facing townhouse, or 25 feet where the rear yard of the townhouse faces the side lot line of another townhouse (since a 10' common open space strip is required behind all single-family attached units). That separation and the fact that any such additions would be limited to one story help to ensure adequate light, air, and building separation, thus eliminating concerns about excessive bulk (the relationship of the building to the lot on which it sits). The diagrams included in the 1992 amendment staff report are attached and, even though they depict townhouses, are still appropriate for visualizing the concepts being discussed in the current proposal.
2. The 1992 amendment used the term "townhouse" (three or more attached units in a row) to describe the types of units eligible for these special provisions (since the issue was brought to the Board's attention by a group of residents from one of the County's

existing townhouse developments). Recently, Planning Division staff has been approached by owners of duplex units (two single family dwellings attached side by side) in the Williamsburg Commons Carriage Homes development interested in constructing additions under these same provisions. However, because the units are duplexes and not townhouses the provisions do not apply. In retrospect, it appears that the more appropriate terminology to have used in the 1992 amendment would have been "single-family attached" since it is all-encompassing to include duplex, townhouse, and multiplex units, as shown in the following excerpt from the definitions section of the Zoning Ordinance:

- *Dwelling, single-family attached.* A row or combination of at least two one-family dwelling units, with each unit having separate outside access, each unit separated from any other unit by one or more common fire-resistant walls, and each unit located on a separate lot. The term "single-family attached" includes the following types of dwellings:
 - *Duplex.* A one-family dwelling unit attached to one other one-family dwelling unit by a common vertical fire-resistant wall with each dwelling unit located on a separate lot.
 - *Multiplex.* A one-family dwelling unit in a combination (back-to-back, side-to-side, or back-to-side) of at least three such units with each unit having at least two exterior walls, each unit separated from any other by common fire-resistant walls, and each unit located on a separate lot.
 - *Townhouse.* A type of multiplex unit, in a row of at least three such units, with each having its own front and rear or side access to the outside, each unit separated from any other by common fire-resistant walls, and each unit located on a separate lot.

3. There are five developments in York County that include various types of non-townhouse single-family attached dwellings and would become eligible for the special addition provisions if the Ordinance were to be amended:

- Callahan Village (duplex)
- Glen Laurel (duplex and multiplex)
- Rainbrook Villas (quadruplex)
- The Gables of York (quadruplex)
- Williamsburg Commons carriage homes (duplex)

With the exception of Rainbrook Villas, duplex and multiplex subdivisions that are in the YVA District (Chischiak Watch¹) or within an approved Planned Development (including Finch Terrace, Ferguson Glade, Smithy Glen, The Sanctuary, and Willow Lakes) are subject to the specific setback requirements set forth in the Planned Development conditions of approval and therefore would not be affected by the proposed amendments.

¹Pursuant to Section 24.1-327(b)(3) of the Zoning Ordinance, any addition to a single-family attached home in Chischiak Watch, which is located in the YVA (Yorktown Village Activity) district, would be subject to review and approval by the Board without a public hearing if the proposed increase in lot coverage or floor area is less than 25%. For proposed increases of 25% or more, public hearings and Planning Commission review would also be required. Setback requirements in the YVA District are established on a parcel-by-parcel basis by the Board of Supervisors. Any such construction would also be subject to the Yorktown Historic District provisions set forth in Section 24.1-377 of the Zoning Ordinance.

4. With duplex and townhouse lots it is fairly easy to identify the front, rear, and side yards. However, for quadplex and other types of multiplex lots where units are arranged both back-to-back and side-to-side, it is not always so straightforward, particularly where groupings of units are located at an intersection of two streets. To address this problem, some additional language has been proposed to clarify how the proposed standards would be applied in such cases (see proposed Section 24.1-401(g)(3)).

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered the proposed amendments at its May 12 meeting and, subsequent to conducting a public hearing at which one citizen – a resident of Williamsburg Commons who wishes to add a sunroom to the rear of his duplex unit – spoke in support of the proposed amendments, voted 5:0 (Messrs. Simasek and Harvell absent) to recommend adoption.

COUNTY ADMINISTRATOR RECOMMENDATION

I believe the same logic that applies to townhouses concerning building additions also applies to duplex and multiplex units and therefore believe it would be appropriate to permit additions to such units under the same conditions applicable to townhouse units. Limiting such building additions to a single-story and to rear yards that abut at least twenty feet of common open space will prevent the appearance of excessive bulk in such developments and ensure the provision of adequate light, air, and open space. Therefore, based on the considerations and conclusions as noted, I recommend that the Board adopt the proposed Zoning Ordinance text amendments set forth in proposed Ordinance No. 04-11.

Carter/3337:TCC

Attachments:

- Excerpts of Planning Commission minutes, May 12, 2004
- Diagrams A, B, C and D (from 1992 townhouse amendments)
- Proposed Ordinance No. 04-11